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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,942	03/15/2006	Olivier Buyse	3338.81US01	6147

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EXAMINER	
ZAIDI, SYED	
ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,942	BUYSE, OLIVIER	
	Examiner	Art Unit	
	SYED ZAIDI	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/20/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable by**, Ko et al.,** (US Publication 2003/0100299 A1) in view of **Lipsit (**U.S. Patent 6,784,209 B2).

Consider claim 1, Ko et al., discloses a system for testing a mobile telephony network having a plurality of cells whose sizing depends on at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter, paragraph 0010, lines 1-10, paragraph 0014)**, one or more mobile test phones (5029, figure 5) and an onboard computer connected to the mobile telephone or telephones **(paragraph 0100)**, wherein predefined values of the selection and call dropping parameters, and wherein the mobile telephone comprises presetting function to receive the predefined value of the selection and call dropping parameters (**Ko. disclosed**

predefine values and parameters i.e. signal strength, frequency interference and "TEMS" (Test Mobile System) (paragraph 0103, 0104, and 0106 where Ko discusses the unit holds test data files and quality information, paragraph 0012, lines 1-19). Ko discloses selection and call dropped parameters, However **Ko et al.,** fails to disclose reselection parameters are stored in the computer.

In the same field of endeavor **Lipsit** disclose reselection parameters are stored in the computer **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters are stored in the computer by **Lipsit** for the purpose of interactive communication between a user and the remote computer which controls the programming as disclosed by **Lipsit (column 2, lines 48-50).**

Consider claim 5, as applied to claim **1, Ko et al.,** show and disclose a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter,**

paragraph 0010, lines 1-10, paragraph 0014), wherein the method comprises the following steps: in a computer, a predefined values of the selection and call dropped parameters for each cell of the zone to be tested, (**Ko paragraph 0103, 0104, and 0106 where Ko discusses the unit holds test data files and quality information, paragraph 0012, lines 1-19 "TEMS"(Test Mobile System) (paragraph 0010, lines 1-15) and quality (paragraph 0012, lines 1-19)**, the presetting for each cell of the zone to be tested, of the predefined values of the selection and call dropped parameters, and the capture of data obtained by the mobile telephone for each cell**(Paragraph 0082 0103, 0104, 0106)**, the processing of the captured data and the determining of the sizing of each tested cell (**see section 0105, 0106, where Ko discusses storing the data on power level, therefore, size of each cell**). However **Ko et al.,** fails to disclose reselection parameters are recorded and stored in the computer.

In the same field of endeavor **Lipsit** disclose reselection parameters are stored in the computer **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters are stored in the computer by **Lipsit** for the purpose of interactive communication between a user and the remote computer which controls the programming as disclosed by **Lipsit (Column 2, lines 48-50).**

Consider claim 2, as applied to claim **1, Ko et al.,** as modified by **Lipsit** discloses a test system, an onboard GPS unit associated with the mobile telephone and with the computer **(Paragraph 0012, lines 1-10)**.

Consider claim 3, as applied to claim **1, Ko et al.,** as modified by **Lipsit** show and disclose a test system, wherein the selection or reselection parameter is a parameter making it possible to determine the coefficient C1 or C2, for the GSM mode or the coefficient C31 or C32, for the GPRS mode **(Ko**. disclosed **C1 or C2 a function of time, value applied, Paragraph 0012, lines 4-13).**

Consider claim 4, as applied to claim **1, Ko et al.,** as modified by **Lipsit** discloses a test system, wherein several test telephones are connected to the same computer **(Ko. discloses telephone lines connected with computer and responders are testing,**

value applied, Paragraph 0012, lines 1-13).

Consider claim 6, as applied to claim **5, Ko et al.,** as modified by **Lipsit** show and discloses a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing or allocation depends on the parameter, paragraph 0010, lines 1-10, paragraph 0014)**, wherein the presetting of the value of a selection or call dropping parameter consists of the overwriting of the value of the selection or call dropping parameter received from the network by the predefined value of the selection or reselection parameter. However **Ko et al.,** fails to disclose reselection parameters are stored in the computer.

In the same field of endeavor **Lipsit** discloses reselection parameters are stored in the computer **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters are stored in the computer by **Lipsit** for the purpose of interactive communication between a

user and the remote computer which controls the programming as disclosed by **Lipsit (Column 2, lines 48-50).**

Consider claim 7, as applied to claim **5, Ko et al.,** as modified by **Lipsit** shows and discloses a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter, (paragraph 0010, lines 1-10, paragraph 0014)**, wherein when all the cells have been sized **(paragraph 0012, lines 1-19)**, an optimization of the network is set up **(paragraph 0013, lines 1-7)**.

Consider claim 8, as applied to claim **5, Ko et al.,** as modified by **Lipsit** discloses a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter, (paragraph 0010, lines 1-10, paragraph 0014)**, wherein the values of several selection or call drops parameters are preset simultaneously for a same cell (**Ko**. **disclosed predefine values and parameters i.e. signal strength, frequency interference and**

"TEMS" (Test Mobile System) (paragraph 0010, lines 1-15) and quality (paragraph 0012, lines 1-19). However **Ko et al.,** fails to disclose reselection parameters are stored in the computer.

In the same field of endeavor **Lipsit** discloses reselection parameters **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters as disclosed by **Lipsit** for the purpose of interactive communication between a user and the remote computer which controls the programming as disclosed by **Lipsit (column 2, lines 48-50).**

Consider claim 9, as applied to claim **5, Ko et al.,** as modified by **Lipsit** discloses a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter, (paragraph 0010, lines 1-10, paragraph 0014)**, wherein several values of the same selection or call drop parameter are preset simultaneously, for a same cell, on several test telephones. However

Ko et al., fails to disclose reselection parameters are stored in the computer.

In the same field of endeavor **Lipsit** disclose reselection parameters **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters as disclosed by **Lipsit** for the purpose of interactive communication between a user and the remote computer which controls the programming as disclosed by **Lipsit (column 2, lines 48-50).**

Consider claim 10, as applied to claim **5, Ko et al.,** as modified by **Lipsit** discloses a method for testing a mobile telephony network having a plurality of cells whose sizing is a function of at least one selection or call dropping parameter **(Test a Mobile System for cell traffic parameters, therefor sizing depends on the parameter, (paragraph 0010, lines 1-10, paragraph 0014)**, wherein the value of the selection or call drop parameter is preset simultaneously on several test telephones and the pieces of data captured by these test telephones are averaged **(paragraph 0082,**

lines 1-19). However **Ko et al.,** fails to disclose reselection parameters are stored in the computer.

In the same field of endeavor **Lipsit** disclose reselection parameters **(column 2, lines 54-67 and paragraph Abstract lines 9-15).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the disclose reselection parameters as disclosed by **Lipsit** for the purpose of interactive communication between a user and the remote computer which controls the programming as disclosed by **Lipsit (column 2, lines 48-50).**

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed Zaidi whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are Unsuccessful, the Examiner's supervisor, **Nick Corsaro** can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ customer service whose telephone number is (571) 272-2600.

Syed Zaidi

S.Z/s.z

April 23rd, 2008.

/Nick Corsaro/

Supervisory Patent Examiner, Art Unit 2617